



**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION**

RANDY WILLIAMS,	§	
	§	
Plaintiff,	§	
	§	
vs.	§	CIVIL ACTION NO. 4:17-3396-MGL-KDW
	§	
AMERICAN INTERNATIONAL GROUP,	§	
INC., and AMERICAN HOME ASSURANCE	§	
COMPANY,	§	
	§	
Defendants.	§	

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**ORDER ADOPTING THE REPORT AND RECOMMENDATION  
AND ADJUDICATING THE PARTIES' MOTIONS AS PROVIDED HEREIN**

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Plaintiff Randy Williams (Williams) is a self represented litigant. He brought this diversity action against Defendants American International Group, Inc., (AIG) and American Home Assurance Company (AHA) (collectively, Defendants) complaining of breach of contract, defamation, and bad-faith failure to pay workers' compensation claims.

The matter is before the Court for review of the Report and Recommendation of the United States Magistrate Judge suggesting: (1) AIG's motion to dismiss for lack of personal jurisdiction, Williams's motion for summary judgment, and his motion to sue insurance adjuster be denied, (2) Defendants' motion to dismiss for lack of subject matter jurisdiction and/or summary judgment be (a) granted without prejudice as to Williams's bad faith claims based on lack of jurisdiction, and (b) granted with prejudice as to his defamation claim, (3) this case be dismissed, and (4) Williams's

motion for declaratory judgment be deemed moot. The Magistrate Judge prepared the Report in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on August 6, 2019. In the Report, regarding Williams's breach of contract claim, the Magistrate Judge suggests Williams "is not a party to the contract referenced in the complaint. Instead, [Williams's] arguments about Defendants' breaches concern Defendants' failure to fulfill the terms of Plaintiff's workers compensation judgment." Report 5 n.3.

As to Williams's defamation claim, the Magistrate Judge recommends it is time barred. And, concerning his bad-faith failure to pay workers' compensation claims, she notes that, "in *Cook v. Mack's Transfer & Storage*, 352 S.E.2d 296 (S.C. Ct. App. 1986), the South Carolina Court of Appeals held that a worker's suit for bad faith refusal to pay benefits is exclusively within the jurisdiction of the Commission." Report 6.

Williams has filed a host of papers since the Magistrate Judge filed the Report, including the following:

August 6, 2019            motion to stay

August 9, 2019            reply to Defendants' answers to his complaint

August 9, 2019	response in opposition to Defendants' motion to stay and supplemental response in opposition to Defendants' motions to dismiss
August 13, 2019	response in opposition to Defendants' motion to stay
August 13, 2019	supplemental response in opposition to Defendants' motions to dismiss
August 13, 2019	supplemental response to AIG's motion regarding request for judicial notice
August 15, 2019	objections
August 20, 2019	supplemental objections
August 21, 2019	motion to compel Defendants to provide copies of depositions
August 27, 2019	motion for spoliation of evidence
September 4, 2019	motion not to dismiss the case
September 18, 2019	supplemental objections
September 23, 2019	supplemental objections
October 11, 2019	supplemental objections

Having carefully reviewed Williams's objections, his supplemental objections, and all of his other submissions filed after the Magistrate Judge filed her Report, the Court holds them all to be either moot or without merit. It will therefore enter judgment accordingly.

In Williams's objections and supplemental objections, he makes one conclusory allegation, argument, and/or assertion after another, some repeatedly. Yet, he not once raises any specific objection to the Report. But, Fed. R. Civ. P. 72(b)(2) requires the party "file specific written

objections to the proposed findings and recommendations.” Thus, the Court will overrule Williams’s objections.

Therefore, after a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court overrules Williams’s objections, adopts the Report, and incorporates it herein. Therefore, it is the judgment of this Court (1) AIG’s motion to dismiss for lack of personal jurisdiction, Williams’s motion for summary judgment, and his motion to sue insurance adjuster are **DENIED**, (2) Defendants’ motion to dismiss for lack of subject matter jurisdiction and/or summary judgment is (a) **GRANTED WITHOUT PREJUDICE** as to Williams’s bad faith claims based on lack of jurisdiction, and (b) **GRANTED WITH PREJUDICE** as to his defamation claim, (3) this case is **DISMISSED**, and (4) Williams’s motion for declaratory judgment is **RENDERED MOOT**.

In light of this ruling, Williams’s motions to stay, to compel, for spoliation of evidence, and not to dismiss the suit are also necessarily **RENDERED MOOT**.

**IT IS SO ORDERED.**

Signed this 22nd day of October, 2019, in Columbia, South Carolina.

/s/ Mary Geiger Lewis  
MARY GEIGER LEWIS  
UNITED STATES DISTRICT JUDGE

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**NOTICE OF RIGHT TO APPEAL**

Plaintiff is hereby notified of the right to appeal this Order within thirty days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.